

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MELVIN WILLIAMS,

Plaintiff,

v.

RICK M. HILL, et al.,

Defendants.

No. 2:23-cv-0958-TLN-SCR P

ORDER

Plaintiff Melvin Williams (“Plaintiff”), a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 26, 2025, the magistrate judge filed findings and recommendations which were served on all parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days. (ECF No. 38.) This deadline has passed, and no objections have been filed.

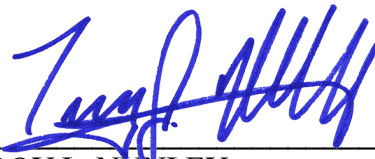
The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court[.]”). Having reviewed the file, the Court finds the findings and recommendations to be supported by

the record and by the proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations, (ECF No. 38), are adopted in full;
2. Plaintiff's motion to strike, (ECF No. 35), is GRANTED IN PART and DENIED IN PART as follows:
 - a. Defendant's affirmative defenses one, four, seven, ten, and thirteen are stricken without leave to amend;
 - b. Defendant's affirmative defenses two, five, nine, and eleven are stricken with leave to amend; and
 - c. Plaintiff's motion is denied only as to Defendants' affirmative defenses three, six, eight, and twelve.
3. If Defendants wish to amend affirmative defenses two, five, nine, and eleven, they may file an amended answer that pleads a sufficient factual basis to provide fair notice of the affirmative defenses within fourteen (14) days of this order.

DATED: October 23, 2025



TROY L. NUNLEY
CHIEF UNITED STATES DISTRICT JUDGE